

REMARKS:

Claims 1-48 are currently pending in the application. Claims 1-5, 9-12, 15-21, 25-26, 28, 30-36, 40-43, and 46-48 stand rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,397,212 to Peter Biffar ("Biffar"). Claims 6, 7, 13, 22, 23, 29, 37, 38, and 44 stand rejected under 35 U.S.C. § 103(a) over Biffar in view of U.S. Patent No. 6,728,685 to Gurpreet Ahluwalia ("Ahluwalia"). Claims 8, 24, and 39 stand rejected under 35 U.S.C. § 103(a) over Biffar in view of Ahluwalia. Claims 14, 27, and 45 stand rejected under 35 U.S.C. § 103(a) over Biffar.

REJECTION UNDER 35 U.S.C. § 102(e):

Claims 1-5, 9-12, 15-21, 25-26, 28, 30-36, 40-43, and 46-48 stand rejected under 35 U.S.C. § 102(e) over Biffar.

The Office Action alleges that Biffar discloses a system, method, software and means for automatically updating graphical user interface elements at a client system according to an updated state of a configuration. The Applicants have reviewed Biffar in detail, particularly looking for a system, method and software for automatically updating graphical user interface elements at a client system according to an updated state of a configuration, relied upon by the Examiner. However, Biffar fails to disclose each and every limitation recited by claims 1-48. Thus, the Applicants respectfully submit that claims 1-5, 9-12, 15-21, 25-26, 28, 30-36, 40-43, and 46-48 patentably distinguish over Biffar.

For example, with respect to independent claim 1, this claim recites:

A system for automatically updating graphical user interface (GUI) elements at a client system according to an updated state of a configuration, the system comprising one or more software components at the client system operable to:

display a GUI element at the client system in connection with a configuration workflow, the GUI element being associated with one or

more configuration choices being available for a configuration element of a configuration model stored at a server system;

create and maintain at the client system a connector linking a property of the configuration element of the configuration model to the GUI element;

maintain at the client system configuration data representing a current state of a configuration in relation to the configuration model;

in response to a configuration choice selection at the GUI element during the configuration workflow, receive data from the server system representing an update to the current state of the configuration with respect to the property of the configuration element; and

use the connector linking the property of the configuration element to the GUI element to cause other GUI elements to be automatically updated to reflect the updated state of the configuration with respect to the property of the configuration element in order to associate available configuration choices for the other GUI elements according to the configuration choice selection. (Emphasis Added).

Independent claims 17, 32, and 48 recite similar limitations. Biffar fails to disclose each and every limitation of independent claims 1, 17, 32, and 48.

For example, the Examiner asserts that the search engine in Biffar corresponds to the web-based communication, such as might occur over the Internet in connection with an electronic commerce transaction having connectors automatically update graphical user interface elements at a client system according to an updated state of a configuration. The Applicant respectfully traverses the Examiners assertions regarding the subject matter disclosed in Biffar.

The Applicants respectfully submit that Biffar does not disclose using connectors to automatically update graphical user interface elements at a client system according to an updated state of a configuration. Although Biffar discloses a search engine for providing searches, (Abstract), Biffar does not disclose, teach, or suggest the search engine automatically updates the graphical user interface elements at the searchers system according to an updated state of configuration or even an updated search result. In fact, Biffar teaches away from the claimed invention since Biffar teaches that it is not even necessary to provide a visual display, a keyboard, or a mouse. (Column 6, Lines 4-14 and Abstract). Furthermore, Biffar does not disclose, teach, or suggest that the search results

received from the search engine update a state of configuration, a configuration or any other type of database on, at, or in a client system. Thus, Biffar cannot display a graphical user interface element at the client system since Biffar does not even require the graphical user interface element of a visual display or even the user interface elements of a keyboard or a mouse.

The Applicants further submit that Biffar does not disclose a graphical user interface element being associated with configuration choices available for a configuration element of a configuration model stored at a server system. As mentioned above, Biffar does not disclose, teach, or suggest the search engine automatically updates the graphical user interface elements at the searchers system according to an updated state of configuration or even an updated search result. Thus, Biffar cannot provide a system, method, software, or even means thereof, of a graphical user interface element associated with configuration choices that are available for a configuration element of a configuration model stored at a server system, since Biffar does not even provide updating a graphical user interface element at the searchers system, a client system, or any other system according to an updated state of configuration or even an updated search result.

Thus, the allegation in the present Office Action that Biffar discloses all of the claimed features is respectfully traversed. Further, it is noted that the Office Action provides no concise explanation as to how Biffar is considered to anticipate all of the limitations in independent claim 1. A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if each and every element of a claimed invention is identically shown in that single reference. MPEP § 2131. The Applicants respectfully points out that "it is incumbent upon the [E]xaminer to identify wherein each and every facet of the claimed invention is disclosed in the applied reference." *Ex parte Levy*, 17 U.S.P.Q.2d (BNA) 1461, 1462 (Pat. & Tm. Off. Bd. Pat. App. & Int. 1990). The Applicants respectfully submits that the Office Action has failed to establish a prima facie case of anticipation in independent claim 1 under 35 U.S.C. § 102 with respect to Biffar because Biffar fails to identically disclose every element of the Applicants claimed invention, arranged as they are in Applicants claim.

With respect to independent claims 17, 32, and 48 each of these claims includes limitations similar to those discussed above in connection with independent claim 1. Thus, independent claims 17, 32, and 48 are considered patentably distinguishable over Biffar for at least the reasons discussed above in connection with independent claim 1. Furthermore, dependent claims 2-5, 9-12, 15, and 16 which depend from independent claim 1, dependent claims 18-21, 25-26, 28, 30 and 31 which depend from independent claim 17 and dependent claims 33-36, 40-43, 46, and 47 which depend from independent claim 32 are also considered patentably distinguishable over Biffar. Thus, dependent claims 2-5, 9-12, 15, 16, 18-21, 25-26, 28, 30, 31, 33-36, 40-43, 46, and 47 are considered to be in condition for allowance for at least the reason of depending from an allowable claim.

Thus, for the reasons set forth herein, the Applicants submit that claims 1-5, 9-12, 15-21, 25-26, 28, 30-36, 40-43, and 46-48 are not anticipated by Biffar. The Applicants further submit that claims 1-5, 9-12, 15-21, 25-26, 28, 30-36, 40-43, and 46-48 are in condition for allowance. Thus, the Applicants respectfully request that the rejection of claims 1-5, 9-12, 15-21, 25-26, 28, 30-36, 40-43, and 46-48 under 35 U.S.C. § 102(e) be reconsidered and that claims 1-5, 9-12, 15-21, 25-26, 28, 30-36, 40-43, and 46-48 be allowed.

THE LEGAL STANDARD FOR ANTICIPATION REJECTIONS UNDER 35 U.S.C. § 102:

The following sets forth the legal standards for "anticipation."

The events that can lead to anticipation can be divided into the following seven categories, all defined by statute:

1. **Prior Knowledge:** The invention was publicly known in the United States before the patentee invented it.

2. Prior Use: The invention was publicly used in the United States either (i) before the patentee invented it; or (ii) more than one year before he filed his patent application.

3. Prior Publication: The invention was described in a printed publication anywhere in the world either (i) before the patentee invented it; or (ii) more than one year before he filed his patent application.

4. Prior Patent: The invention was patented in another patent anywhere in the world either (i) before the patentee invented it; or (ii) more than one year before he filed his application.

5. On Sale: The invention was on sale in the United States more than one year before the patentee filed his application.

6. Prior Invention: The invention was invented by another person in the United States before the patentee invented it, and that other person did not abandon, suppress or conceal the invention.

7. Prior U.S. Patent: The invention was described in a patent granted on a patent application filed in the United States before the patentee made the invention.

Each of those seven events has its own particular requirements, but they all have the following requirements in common:

1. Anticipation must be shown by clear and convincing evidence.
2. If one prior art reference completely embodies the same process or product as any claim, the product or process of that claim is anticipated by the prior art, and that claim is invalid. To decide whether anticipation exists, one must consider each of the elements recited in the claim and determine whether all of them are found in the particular item alleged to be anticipating prior art.
3. There is no anticipation unless every one of those elements is found in a *single* prior publication, prior public use, prior invention, prior patent, prior knowledge or

prior sale. One may not combine two or more items of prior art to make out an anticipation. One should, however, take into consideration, not only what is expressly disclosed or embodied in the particular item of prior art, but also what inherently occurred in its practice.

4. There cannot be an accidental or unrecognized anticipation. A prior duplication of the claimed invention that was accidental, or unrecognized, unappreciated, and incidental to some other purpose is not an invalidating anticipation.

Those four requirements must be kept in mind and applied to each kind of anticipation in issue. The following additional requirements apply to some categories of anticipation.

1. Prior Knowledge: An invention is anticipated if it was known by others in the United States before it was invented by the patentee. "Known," in this context, means known to the public. Private knowledge, secret knowledge or knowledge confined to a small, limited group is not necessarily an invalidating anticipation. Things that were known to the public only outside the United States are not invalidating anticipation.

2. Prior Use: An invention is anticipated if it was used by others before it was invented by the patentee, or more than one year before the patentee filed his patent application. "Use," in this context, means a public use.

3. Prior Publication: A patent is invalid if the invention defined by the Claims was described in a printed publication before it was invented by the patentee or more than one year prior to the filing date of his application. For a publication to constitute an anticipation of an invention, it must be capable, when taken in conjunction with the knowledge of people of ordinary skill in the art, of placing the invention in the possession of the reader. The disclosure must be enabling and meaningful. In determining whether the disclosure is complete, enabling, and meaningful, one should take into account what would have been within the knowledge of a person of ordinary skill in the art at the time, and one may consider other publications that shed light on the knowledge such a person would have had.

4. Prior Patent: If the invention defined by the claims was patented in the United States or a foreign country, either before it was invented by the inventor or more than one year before the inventor filed his patent application, then the invention was anticipated. The effective date for this type of anticipation is the date on which two things co-existed: (i) the owner of the referenced patent had the right to enforce that patent; and (ii) the reference patent was available to the public. What was "patented" in the reference patent is determined by what is defined by its claims, interpreted in the light of the general description.

5. On Sale: A patent is invalid if the invention claimed in it was on sale in the United States more than one year prior to the application filing date.

6. Prior Invention: If the invention defined by the claims was invented by another person, in the United States, before it was invented by the inventor, and that other person did not abandon, suppress, or conceal the invention, the invention lacks novelty. A prior invention, even if put in physical form and shown to produce the desired result, is not an invalidating anticipation unless some steps were taken to make it public. However, it is not necessary that the inventor had knowledge of that prior invention.

7. Prior U.S. Application: A patent is invalid for lack of novelty if the invention defined by the claims was described in a United States patent issued on a patent application filed by another person before the invention was made by the inventor. The effective date of a prior application for purposes of this issue is the date on which it was filed in the United States. Foreign-filed patent applications do not apply. If the issued United States patent claims the benefit of more than one United States application, its effective date as an anticipation is the filing date of the first United States application that discloses the invention claimed in that referenced patent.

Experimental Use Exception: The law recognizes that it is beneficial to permit the inventor the time and opportunity to develop his invention. As such there is an "experimental use" exception to the "public use" and "on sale" rules. Even though the invention was publicly used or on sale, more than one year prior to the application filing date, that does not invalidate the patent, provided the principal purpose was experimenta-

tion rather than commercial benefit. If the primary purpose was experimental, it does not matter that the public used the invention or that the inventor incidentally derived profit from it.

When a public use or sale is shown, the burden is on the inventor to come forward with evidence to support the experimental use exception. Only experimentation by or under the control of the inventor qualifies for this exception. Experimentation by a third party, for its own purposes, does not qualify for this exception. Once the invention leaves the inventor's control, its use is a public one, even if further experimentation takes place.

The experimentation must relate to the claimed features of the invention. And it must be for the purpose of technological improvement, not commercial exploitation. If any commercial exploitation does occur, it must be merely incidental to the primary purpose of experimentation. A test done primarily for marketing, and only incidentally for technological improvement, is a public use.

REJECTION UNDER 35 U.S.C. § 103(a):

Claims 6, 7, 13, 22, 23, 29, 37, 38, and 44 stand rejected under 35 U.S.C. § 103(a) over Biffar in view of Ahluwalia. Claims 8, 24, and 39 stand rejected under 35 U.S.C. § 103(a) over Biffar in view of Ahluwalia. Claims 14, 27, and 45 stand rejected under 35 U.S.C. § 103(a) over Biffar.

The Applicants submit that the Office Action does not explicitly state that claims 8, 24, and 39 stand rejected under 35 U.S.C. § 103(a) over Biffar in view of Ahluwalia, however, the Examiner asserts an argument in the Office Action to claims 8, 24, and 39 under 35 U.S.C. § 103(a) over Biffar in view of Ahluwalia. (2 June 2005 Office Action, Pages 8-9). The Applicants address the Examiners argument and respectfully submit that Biffar or Ahluwalia either individually or in combination, fail to disclose, teach, or suggest each and every element of claims 8, 24, and 39. Thus, the Applicants respectfully traverse

the Examiner's obvious rejection of claims 8, 24, and 39 under 35 U.S.C. § 103(a) over the proposed combination of Biffar and Ahluwalia either individually or in combination

The Applicants further submit that Biffar or Ahluwalia either individually or in combination, fail to disclose, teach, or suggest each and every element of claims 6, 7, 13, 14, 22, 23, 27, 29, 37, 38, 44, and 45. Thus, the Applicants respectfully traverse the Examiner's obvious rejection of claims 6, 7, 13, 14, 22, 23, 27, 29, 37, 38, 44, and 45 under 35 U.S.C. § 103(a) over the proposed combination of Biffar and Ahluwalia either individually or in combination.

For example, with respect to dependent claims 6-8, and 13, these claims recite:

The system of Claim 1, wherein:

code used to create the connector at the client system comprises a format string comprising JavaScript code, the format string allowing:

the updated state of the configuration to be determined in response to the configuration choice selection associated with the GUI element linked to the connector;

if appropriate according to the updated state of the configuration, a different Hypertext Markup Language (HTML) class to be used for displaying the GUI element linked to the connector; and

information associated with a configuration element specified in the format string to be obtained and used;

the software components are further operable to create and maintain at the client system:

a connector linking specified Hypertext Markup Language (HTML) layer content to a JavaScript function, the connector operable to be used to call the JavaScript function in response to the configuration choice selection associated with the HTML content to indicate the configuration choice selection;

a connector linking a specified HTML layer property to the JavaScript function, the connector operable to be used to call the JavaScript function in response to the configuration choice selection associated with the HTML layer to indicate the configuration choice selection; and

a connector linking the JavaScript function to a callback operable to communicate the configuration choice selection to the server system and, in response, receive the data representing the update from the server system; and

the first and second frames comprise JavaServer Pages (JSPs), the called functions of the first frame comprise JavaScript functions, and the

calling code of the second frame comprises JavaScript code. (Emphasis Added).

Dependent claims 22-24, 29, 37-39, and 44 recite similar limitations. Biffar or Ahluwalia either individually or in combination, fail to disclose, teach, or suggest each and every element of claims 6, 7, 13, 14, 22-24, 27, 29, 37-39, 44, and 45.

The Applicants respectfully submit that the Office Action acknowledges, and Applicants agree, that Biffar fails to disclose the emphasized limitations noted above in dependent claims 6, 7, 13, 14, 22-24, 27, 29, 37-39, 44, and 45. Specifically the Examiner acknowledges that Biffar fails to teach the format string comprising JavaScript code as recited in the claims. (2 June 2005 Office Action, Pages 7-10). However, the Examiner asserts that the cited portions of Ahluwalia disclose the acknowledged shortcomings in Biffar. The Applicants respectfully traverse the Examiner's assertions regarding the subject matter disclosed in Ahluwalia.

The Applicants respectfully submit that Ahluwalia has nothing to do with dependent claim 6-8 and 13 limitations regarding: (1) code used to create the connector at the client system comprising a format string comprising JavaScript code; (2) software components operable to create and maintain a connector linking Hypertext Markup Language (HTML) layer content to a JavaScript function in response to the configuration choice selection associated with the HTML content to indicate the configuration choice selection; and (3) the first and second frames comprising JavaServer Pages and the calling code of the second frame comprising JavaScript code. Rather Ahluwalia discloses an online communication system for accessing files called web pages that may be documents created using hypertext markup language (HTML) or Java applets and serverlets. (Column 7, Lines 42-50). Ahluwalia merely discloses a system for accessing files and does not teach, suggest, or even hint at: (1) code used to create the connector at the client system comprising a format string comprising JavaScript code; (2) software components operable to create and maintain a connector linking Hypertext Markup Language (HTML) layer content to a JavaScript function in response to the configuration choice selection associated with the HTML

content to indicate the configuration choice selection; or (3) the first and second frames comprising JavaServer Pages and the calling code of the second frame comprising JavaScript code. Thus, Ahluwalia cannot provide a system, method, software, or even means thereof, of creating and maintaining at a client system a connector linking a property of a configuration element of a configuration model to the graphical user interface element, since Ahluwalia does not even provide the format string comprising JavaScript code as recited in the claims.

The Applicants respectfully submit that the Office Action has failed to properly establish a *prima facie* case of obviousness based on the proposed combination of Biffar or Ahluwalia, either individually or in combination. The Office Action has not shown the required teaching, suggestion, or motivation in these references or in knowledge generally available to those of ordinary skill in the art at the time of the invention to combine these references as proposed. The Office Action merely states that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Biffar to include the JavaScript of Ahluwalia, in order to obtain JavaScript capabilities for creating the connections.

The Applicants further submit that these purported advantages relied on by the Examiner to make such a combination because a web-customizable automatic interface would have been obtained are nowhere disclosed, taught, or suggested in Biffar or Ahluwalia either individually or in combination. The Applicants respectfully request the Examiner to point to the portions of Biffar or Ahluwalia which contain the teaching, suggestion, or motivation to combine these references for the purpose of obtaining a web-customizable automatic interface. A recent Federal Circuit case makes it crystal clear that, in an obviousness situation, the prior art must disclose each and every element of the claimed invention, and that any motivation to combine or modify the prior art must be based upon a suggestion in the prior art. *In re Lee*, 61 U.S.P.Q.2d 1430 (Fed. Cir. 2002). Conclusory statements regarding common knowledge and common sense are insufficient to support a finding of obviousness. *Id.* at 1434-35. Thus, the Office Action fails to provide proper motivation for combining the teachings of Biffar or Ahluwalia either individually or in combination.

The Applicants respectfully submit that the Office Action further acknowledges, and Applicants agree, that Biffar fails to disclose the emphasized limitations in dependent claims 14, 27, and 45. Specifically the Examiner acknowledges that Biffar fails to teach the first frame to be non-viewable as recited in the claims. (2 June 2005 Office Action, Pages 9-10). However, the Examiner asserts that within the filed of the invention, it would be obvious to one of ordinary skill in the art to make the first frame non-viewable. The Applicants respectfully traverse the Examiner's assertions.

As mentioned above, Biffar fails to disclose, teach, or suggest a first frame to be non-viewable as recited in dependent claims 14, 27, and 45. Thus, the Office Action has failed to properly establish a *prima facie* case of obviousness based on the proposed combination of Biffar or the knowledge generally available to those of ordinary skill in the art at the time of the invention, either individually or in combination. The Office Action has not shown the required teaching, suggestion, or motivation in Biffar or in knowledge generally available to those of ordinary skill in the art at the time of the invention to combine as proposed with Biffar. The Office Action merely states that it would have been obvious to one of ordinary skill in the art to make the first frame non-viewable.

The Applicants respectfully submit that these purported advantages relied on by the Examiner to make such a combination because a way to view information without allowing the user to edit it would have been obtained, is nowhere disclosed, taught, or suggested in Biffar or in knowledge generally available to those of ordinary skill in the art at the time of the invention, either individually or in combination. The Applicants respectfully request the Examiner to point to the portions of Biffar or to knowledge generally available to those of ordinary skill in the art at the time of the invention which contains the teaching, suggestion, or motivation to combine these references for the purpose of obtaining a way to view information without allowing the user to edit it. A recent Federal Circuit case makes it crystal clear that, in an obviousness situation, the prior art must disclose each and every element of the claimed invention, and that any motivation to combine or modify the prior art must be based upon a suggestion in the prior art. In re Lee, 61 U.S.P.Q.2d 1430 (Fed. Cir. 2002). Conclusory statements

regarding common knowledge and common sense are insufficient to support a finding of obviousness. *Id.* at 1434-35. Thus, the Office Action fails to provide proper motivation for combining the teachings of Biffar or in knowledge generally available to those of ordinary skill in the art at the time of the invention, either individually or in combination.

With respect to dependent claims 6-8, 13, 14, 22-24, 27, 29, 37-39, 44, and 45, claims 6-8, 13, and 14 depend from independent claim 1, claims 15-20 depend from independent claim 11, claims 22-24, 27, and 29 depend from independent claim 17, and claims 37-39, 44, and 45 depend from independent claim 32. As mentioned above, each of independent claims 17 and 32 includes limitations similar to those discussed above in connection with independent claim 1. Thus, independent claims 17 and 32 are considered patentably distinguishable over Biffar for at least the reasons discussed above in connection with independent claim 1. Thus, dependent claims 6-8, 13, 14, 22-24, 27, 29, 37-39, 44, and 45 are considered patentably distinguishable over the proposed combination of Biffar and Ahluwalia for at least the reasons of depending from an allowable claim and are therefore considered to be in condition for allowance.

For at least the reasons set forth herein, the Applicants submit that claims 6-8, 13, 14, 22-24, 27, 29, 37-39, 44, and 45 are not rendered obvious by the proposed combination of Biffar, Ahluwalia, or in knowledge generally available to those of ordinary skill in the art at the time of the invention. The Applicants further submit that claims 6-8, 13, 14, 22-24, 27, 29, 37-39, 44, and 45 are not rendered obvious by the proposed combination of Biffar, Astola, or in knowledge generally available to those of ordinary skill in the art at the time of the invention, and are in condition for allowance. Thus, the Applicants respectfully request that the rejection of claims 6-8, 13, 14, 22-24, 27, 29, 37-39, 44, and 45 under 35 U.S.C. § 103(a) be reconsidered and that claims 6-8, 13, 14, 22-24, 27, 29, 37-39, 44, and 45 be allowed.

THE LEGAL STANDARD FOR OBVIOUSNESS REJECTIONS UNDER 35 U.S.C. § 103:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); M.P.E.P. § 2142. Moreover, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988); M.P.E.P. § 2143.03.

With respect to alleged obviousness, there must be something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination. *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561 (Fed. Cir. 1986). In fact, the absence of a suggestion to combine is dispositive in an obviousness determination. *Gambro Lundia AB v. Baxter Healthcare Corp.*, 110 F.3d 1573 (Fed. Cir. 1997). The mere fact that the prior art can be combined or modified does not make the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990); M.P.E.P. § 2143.01. The consistent criterion for determining obviousness is whether the prior art would have suggested to one of ordinary skill in the art that the process should be carried out and would have a reasonable likelihood of success, viewed in the light of the prior art. Both the suggestion and the expectation of success must be founded in the prior art, not in the Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); *In re O'Farrell*, 853 F.2d 894 (Fed. Cir. 1988); M.P.E.P. § 2142.

A recent Federal Circuit case makes it clear that, in an obviousness situation, the prior art must disclose each and every element of the claimed invention, and that any motivation to combine or modify the prior art must be based upon a suggestion in the prior art. *In re Lee*, 61 U.S.P.Q.2d 1430 (Fed. Cir. 2002). Conclusory statements regarding common knowledge and common sense are insufficient to support a finding of obviousness. *Id.* at 1434-35.

CONCLUSION:

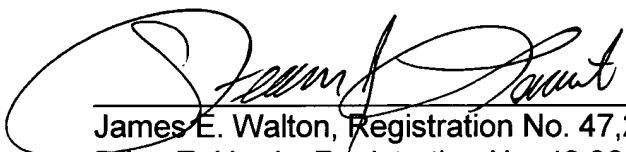
In view of the foregoing remarks, this application is considered to be in condition for allowance, and early reconsideration and a Notice of Allowance are earnestly solicited.

Although the Applicants believe no fees are deemed to be necessary; the undersigned hereby authorizes the Commissioner to charge any additional fees which may be required, or credit any overpayments, to **Deposit Account No. 500777**.

Please link this application to Customer No. 53184 so that its status may be checked via the PAIR System.

Respectfully submitted,

7/15/05
Date


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